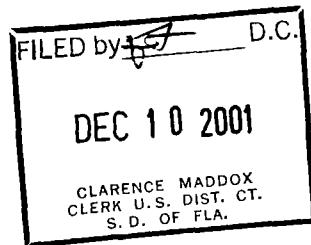


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 00-6273-CR-HUCK

UNITED STATES OF AMERICA,

Plaintiff,



vs.

ARIEL HERNANDEZ, et al.,

Defendant,

DEFENDANT'S REQUESTED JURY INSTRUCTION

THE DEFENDANT, ARIEL HERNANDEZ, by and through the undersigned counsel, respectfully moves this Honorable Court to give the following pattern "Multiple Conspiracy" jury instruction.

**11.3
Multiple Conspiracies
(For Use With General Conspiracy Charge)
18 USC § 371**

You are further instructed, with regard to the alleged conspiracy offense, that proof of several separate conspiracies is not proof of the single, overall conspiracy charged in the indictment unless one of the several conspiracies which is proved is the single conspiracy which the indictment charges.

What you must do is determine whether the single conspiracy charged in the indictment existed between two or more conspirators. If you find that no such conspiracy existed, then you must acquit the Defendants of that charge. However, if you decide that such a conspiracy did exist, you must then determine who the members were; and, if you should find that a particular Defendant was a member of some other conspiracy, not the one charged in the indictment, then you must acquit that Defendant.

In other words, to find a Defendant guilty you must unanimously find that such Defendant was a member of the conspiracy charged in the indictment and not a member of some other separate conspiracy.

AJD

United States v. Ariel Hernandez
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WHEREFORE, the Defendant respectfully moves this Honorable Court to grant this Motion.

Respectfully submitted,

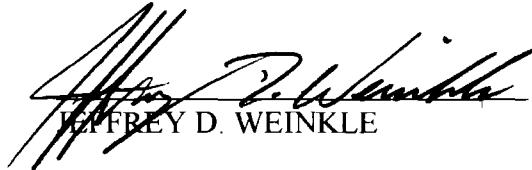


JEFFREY D. WEINKLE, ESQ.
PBN: 271934

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed/delivered this
10 day of Dec, 2001, to: **UNITED STATES ATTORNEY'S OFFICE, AUSA Lawrence Lavecchio**, 500 E. Broward Blvd., Suite 700, Ft. Lauderdale, FL 33394 (Fax: 954-356-7230); and to:
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